

REMARKS

The Applicants have now had an opportunity to carefully consider the remarks set forth in the Office Action mailed July 6, 2007. All of the rejections are respectfully traversed. Amendment, reexamination and reconsideration are respectfully requested.

The Office Action

In the Office Action mailed July 6, 2007:

claims 1-27 were rejected under 35 U.S.C. 102(b) as being unpatentable in view of U.S. Patent No. 6,324,271 to Sawyer, et al. ("Sawyer"); and

claims 1-27 were rejected under 35 U.S.C. 102(b) as being unpatentable in view of U.S. Patent No. 6,327,347 to Gutzmann ("Gutzmann").

The Present Application

By way of brief review, the claims of the present application are directed toward systems and methods for identifying a calling party to a called party before the called party answers a call. The identification is based on biometric information such as, for example, retinal scan information or facial recognition information. The biometric information is used to access an identity database. If the biometric information matches a record in the identity database, identity information is retrieved regarding the calling party and an MSC Network Origination message including the identity information retrieved from the identity database is transmitted.

The Cited References

In contrast, it is respectfully submitted that neither of the cited references disclose methods for identifying a calling party to a called party wherein biometric information is used to access an identity database record. Furthermore, it is respectfully submitted that neither of the cited references disclose the transmission of an MSC_Network Origination message including the identity information retrieved from the identity database.

In the system of Sawyer, authentication of caller identification is performed using a token (column 4, lines 66-67). Authentication of the token holder is based on a challenge/response protocol using a secret key contained within the token that is used to uniquely encrypt a random challenge (number) issued by an

authentication server temporarily linked to the originating caller's terminal, telephone or computing device (column 5, lines 16-21). Sawyer does not disclose biometric information to access an identity database record of the calling party as recited in **claim 1** or means therefor as recited in **claim 19**. Sawyer does not disclose or suggest a switching center that is operative to receive biometric information regarding a calling party and use the received biometric information to access an identity database to retrieve identity information therefrom and to generate and transmit an MSC_Network Origination message including the identity information as recited in **claim 10**. Sawyer indicates that the token may be used in conjunction with biometric confirmation (Abstract; column 2, line 65; column 4, lines 59-61; column 7, lines 48-51). However, Sawyer does not disclose or suggest biometric information is used to access an identity database record of the calling party.

In the system of Gutzmann, representations of intrinsic properties of potential calling parties are gathered for use in comparisons with later acquired representations (Abstract). Gutzmann depicts a calling party database record which includes an index 74. However, Gutzmann does not disclose that biometric information is used as or to generate an index. Indeed, Gutzman depicts a voiceprint 78 as a separate element from the index 74 of the depicted calling party database record (FIG. 4).

The Office Action makes reference to the office database 27 of Gutzmann in support of the assertion that Gutzmann discloses using biometric information to access an identity database record. However, Gutzmann indicates that the office database 27 is used to identify the characteristics of the calling party premises equipment including directory number, dial, pulse or touchtone signaling, etc. (column 3, lines 25-31). It is respectfully submitted that nothing in the depiction of the office database 27 or the discussion thereof discloses or suggests using biometric information to access an identity database record.

The Office Action refers to a subscriber database record 44 in support of the assertion that Gutzmann discloses retrieving identity information regarding the calling party. However, the subscriber database of Gutzmann holds subscriber records corresponding to called parties who subscribe to the calling party identification service. A representative subscriber database record is shown generally at 44 and includes a called number field 46, a subscriber message field 48 including a pre-recorded message associated with the subscriber, and an index field

50 for storing an index to the calling party database. The subscriber database 42 could be organized and searched using the **called number** field 46 as an index, for example (column 3, line 66 - column 4, line 8).

Accordingly, the subscriber database record 44 of Gutzmann does not support the assertion of the Office Action.

The Claims are not Anticipated

Claims 1-27 were rejected under 35 U.S.C. 102(b) as being unpatentable in view of Sawyer.

With regard to **claims 1, 2, 7, 19, 20 and 25**, the Office Action for the most part addresses the language presented in **claim 1**. In so doing, the Office Action overlooks the details recited in, for example, at least **claim 2, 7, 20 and 25**. Accordingly, these rejections are improperly expressed (see MPEP 707.07(d)) and the Office action includes **clear errors**.

With regard to the language taken from **claim 1**, the Office Action asserts that Sawyer discloses using biometric information to access an identity database record. In support of this assertion, the Office Action only cites reference numeral 80. However, reference numeral 80 identifies an authentication peripheral depicted in FIG. 1 or a certification server depicted in FIG. 2 (see also column 4, line 34; column 6, lines 40-45). It is respectfully submitted that nothing in the depiction of the authentication peripheral 80 in FIG. 1 or the certification server 80 in FIG. 2 and the discussion thereof in the specification of Sawyer discloses or suggests using the biometric information to access an identity database record. Clarification is respectfully requested.

Furthermore, as indicated above, Sawyer indicates that authentication of caller identification is performed using a token (column 4, lines 66-67) and that authentication of the token holder is based on challenge/response protocol using a secret key contained within the token that is used to uniquely encrypt a random challenge (number) issued by an authentication server temporarily linked to the originating caller's terminal, telephone or computing device (column 5, lines 16-21). Sawyer mentions that biometric confirmation can be used in conjunction with the token (Abstract; column 2, line 65; column 7, lines 46-51). However, Sawyer does not disclose or suggest that the biometric confirmation involves using biometric information **to access** an identity database record.

For at least the foregoing reasons, **claim 1**, as well as **claims 2-9**, which depend therefrom, is not anticipated by Sawyer.

Claim 2 recites receiving an origination message including the biometric information, thereby receiving the biometric information. While **claim 2** is included in the omnibus rejection, the Office Action includes no specific assertion that Sawyer discloses the subject matter of **claim 2** and does not cite a portion of Sawyer that allegedly supports the assertion that Sawyer discloses receiving an origination message including the biometric information, thereby receiving the biometric information. Accordingly, the Office Action has not met its burden of presenting a *prima facie* case of anticipation and **claim 2** is not anticipated by Sawyer. Furthermore, it is respectfully submitted that Sawyer does not disclose or suggest receiving an origination message including biometric information.

For at least the foregoing additional reasons, **claim 2** is not anticipated by Sawyer.

With regard to **claims 3** and **21**, the Office Action asserts that FIG. 2 and column 6, lines 49-60, disclose transmitting a request for biometric information to user equipment of the calling party. However, column 6, lines 49-60, discuss aspects of the method of Sawyer that occur after authentication has occurred (steps 6-11). Accordingly, the cited portion of column 6 cannot be related to requesting biometric information for use in accessing an identity database record of the calling party. Furthermore, the cited portion of column 6 makes no reference to biometric information. Accordingly, the rejection of **claims 3** and **21** is based on clear errors of fact and **claim 3** is not anticipated by Sawyer.

With regard to **claims 4, 5, 11-16, 22** and **23**, the Office Action asserts that column 6, lines 49-60, support the assertion that Sawyer discloses the method of **claim 1** wherein receiving biometric information regarding the calling party comprises receiving retinal scan data or facial recognition data. However, the cited portion of column 6 indicates that the IP sends authentication information and called party information to the SCP directly (step 6) or alternatively sends the information field of a release message. The IP sends the release message to the local switch, the message comprising calling ID info (step 7). The local switch sends Resource Clear message to the SCP (forwarding release info) (step 8). The SCP sends Forward Call message to the local switch with authenticated CallingPartyID information and CCID identifier in the presentation status field (step 9). The local

switch forwards call to destination (step 10).

Column 6, lines 49-60, does not mention biometric information and does not indicate that receiving biometric information comprises receiving retinal scan data or facial recognition data. Accordingly, the rejection of **claims 4, 5, 11-16, 22 and 23** are based on clear errors of fact and **claims 4, 5, 11-16, 22 and 23** are not anticipated by Sawyer.

Regarding **claims 6 and 24**, the Office Action relies on reference numeral 15 for disclosure of Sawyer using biometric information and reference numeral 80 for disclosure that that information is used to access an identity database record. Additionally, the Office Action relies on column 2, lines 43-67, for support of the assertion that the biometric information is used to access an identity database record of the calling party by extracting identifying parameters from the biometric information.

However, reference numeral 15 depicts a token or smart card (column 4, lines 22-23) and does not disclose or suggest using biometric information to access an identity database record. Reference numeral 80 identifies an authentication peripheral in FIG. 1. However, nothing in the discussion of an authentication peripheral 80 discloses or suggests that biometric information is used to access identity database records therein (column 4, lines 26-37; column 6, lines 37-45).

The cited portion of column 2 concludes with an assertion that alternatively, a more secure variation could be implemented in which the authentication took place in conjunction with a known biometric confirmation mechanism, such as a fingerprint scanning, voice recognition, iris scanning of the eye or hand characterization. However, the cited portion of column 2 does not disclose or suggest extracting identifying parameters from the biometric information and using the extracted identifying parameters as a key or index into the identification database to access an identity database record of the sender or calling party as recited in **claim 6** or means for such activity as recited in **claim 24**.

For at least the foregoing additional reasons, **claims 6 and 24** are not anticipated by Sawyer.

Claim 7 recites the method of **claim 1** further comprising: determining that the called party subscribes to a biometric information-based caller ID feature. While **claim 7** was included in the omnibus rejection, the Office Action does not assert and makes no attempt to support an assertion that Sawyer discloses this subject matter.

Furthermore, it is respectfully submitted that Sawyer does not disclose a step wherein a determination is made that the called party subscribes to a biometric information caller ID feature.

For at least the foregoing additional reasons, **claim 7** is not anticipated by Sawyer.

Regarding **claim 10**, the Office Action asserts that Sawyer discloses a system comprising an identity database accessible at least in part through the use of biometric data and relies on reference numerals 80 and 15 to support the assertion. However, it is respectfully submitted that Sawyer does not disclose or suggest that the authentication peripheral 80 or intelligent peripheral 80 or certification server 80 of FIG. 2 is accessible at least in part through the use of biometric data. Reference numeral 15 identifies a token or smart card and **does not** identify biometric data. Sawyer indicates that the token or smart card can be used in conjunction with a personal identification number or biometric confirmation (Abstract; column 2, line 65; column 7, lines 45-51). However, Sawyer does not disclose that an identity database is accessible at least in part through the use of biometric data.

Accordingly, the assertions of the Office Action made with regard to **claim 10** represent **clear errors** and **claim 10** is not anticipated by Sawyer.

Additionally, the Office Action asserts that Sawyer discloses a switching center operative to receive biometric information regarding a sender and use the received biometric information to access the identity database to retrieve identity information therefrom and to generate and transmit an MSC Network Origination message. In support of this assertion, the Office Action cites reference numerals 30 and 60 as well as column 2, lines 43-67.

However, nothing in the depiction of originating central office 30 or SS7 network 60 discloses or suggests a switching center that is operative to receive biometric information regarding a sender and use the received biometric information to access an identity database to retrieve identity information therefrom. Furthermore, nothing in the discussion of originating central office 30 or SS7 network 60 (column 4, lines 26-31) discloses or suggests a mobile switching center transmitting a Mobile Switching Center Network Origination message that includes identity information retrieved from an identity database using the biometric information. The cited portion of column 2 indicates that the caller's identity is securely tied to an electronic token (column 4, lines 57-59). Column 7, lines 45-51,

indicates that the caller's identity is authenticated by a token such as a smart card or other integrated circuit device which is capable of executing cryptographic authentication protocol. The cited portion of column 2 indicates that the authentication can take place in conjunction with a known biometric confirmation mechanism. The cited portion of column 2 does not disclose that biometric information is used to access an identity database. Moreover, the cited portion of column 2 does not disclose that an MSC-Network Origination message is generated including the identity information. Sawyer is silent with regard to Mobile Switching Centers. Moreover, Sawyer is silent with regard to Mobile Switching Center-Network Origination messages and does not disclose or suggest that an MSC-Network Origination message including identity information that is accessed using biometric information is transmitted.

For at least the foregoing additional reasons, **claim 10**, as well as **claims 11-18**, which depend therefrom, is not anticipated by Sawyer.

With regard to **claim 17**, the Office Action asserts that Sawyer discloses a switching center that is operative to receiver raw biometric data and to parameterize the raw biometric data for use as a key or index into an identity database. In support of this assertion, the Office Action cites reference numeral 15 and reference numeral 80. However, reference numeral 15 identifies a token or smart card and does not identify biometric data, raw or parameterized. While reference numeral 80 identifies a device referred to as an authentication peripheral in FIG. 1, a certification server in FIG. 2, or an intelligent peripheral in column 6, it is respectfully submitted that Sawyer does not disclose or suggest that any of these items identified by reference numeral 80 receives raw biometric data and parameterizes the raw biometric data for use as a key or index into an identity database. Accordingly, the assertions of the Office Action made with regard to **claim 17** represent clear errors, and **claim 17** is not anticipated by Sawyer.

With regard to **claim 18**, the Office Action makes the assertion that Sawyer discloses the switching center is operative to receive parameterized biometric data from a piece of use equipment used by the calling party and to use the parameterized biometric data as a key or index into an identity database. In support of this assertion, the Office Action cites reference numeral 10 and column 6, lines 49-60. However, reference numeral 10 identifies a display phone equipped with a smart card reader, e.g., a Nortel Vista 364 smart card enabled phone, for reading a

smart card or other token 15 (column 4, lines 21-23). As explained at column 6, lines 25-34, a user inserts a smart card or token 15 into suitably equipped phone 10, lifts handset to initiate a call and dials digits for the called party DN (step 1). The user may optionally be prompted to enter a personal identification number. A terminal stores digits for later recall and dials a special feature activation code optionally notifying the user that authentication is proceeding by a visual or auditory indication. The local switch 30 sends a termination attempt message to the SCP 70 serving the local switch (step 2). The SCP 70 sends a Send to Resource message to the local switch 30 containing a new destination address of an intelligent peripheral, i.e., an authentication or certification server 80 (step 3). The call is terminated to the IP 80 (step 4). The terminal 10 and IP 80 perform an authentication handshake, advantageously using challenge/response authentication profile of the type mentioned above (step 5).

Nowhere in this explanation of the specific steps involved in implementing the certified caller ID according to a first embodiment of Sawyer (column 6, lines 18-20) is there disclosure that the phone or user equipment 10 transmits parameterized biometric data to a switching center or that such a switching center is operative to receive parameterized biometric data from a piece of user equipment 10. Even if Sawyer indicates that the use of the token can be augmented with biometric confirmation (column 2, line 65; column 7, lines 49-50), Sawyer does not disclose that biometric data is parameterized or, if it is parameterized, which device performs the parameterization or that a switching center is operative to receive parameterized biometric data and to use the parameterized biometric data as a key or index into an identity database. The discussion in column 6, lines 49-60, cited by the Office Action, does not cure these deficiencies. Indeed, the cited portion of column 6 is silent with regard to biometric data, parameterized or otherwise. Accordingly, rejection of **claim 18** includes clear errors, and **claim 18** is not anticipated by Sawyer.

With regard to **claims 8, 9, 26 and 27**, the Office Action asserts that Sawyer discloses receiving one or more spoken words and using information in the one or more spoken words in combination with biometric information to access an identity database. In support of this assertion, the Office Action points vaguely to FIGS. 1 and 2, reference numeral 80 and column 2, lines 53-67. However, none of these portions of Sawyer disclose or suggest receiving one or more spoken words and

using information in the one or more spoken words in combination with biometric information to access an identity database. The discussion of the authentication peripheral 80 of FIG. 1, the certification server 80 of FIG. 2 or the intelligent peripheral 80 does not even disclose that any of those devices include a database, identity or otherwise. Furthermore, nothing in FIGS. 1 or 2 discloses or suggests using information in one or more spoken words in combination with biometric information to access an identity database or otherwise. The cited portion of column 2 indicates that in the operation of CCID, the caller's identity is typically authenticated by a token, such as a smart card or other integrated circuit device, which is capable of executing a cryptographic authentication protocol. One such integrated circuit device comprises a tamper-proof timekeeping and encryption mechanism that would generate a time-varying Personal Identification Number (PIN). A less secure variation of CCID could, at the option of the service provider, indicate that the call has been certified if the call were placed using a telephone calling card with a standard PIN. Alternatively, a more secure variation could be implemented in which the authentication took place in conjunction with a known biometric confirmation mechanism such as a fingerprint scanning, voice recognition, iris scanning of the eye or hand characterization.

While the cited portion of column 2 indicates that the biometric information might be voice recognition information, nothing in the cited portion discloses or suggests using information in one or more spoken words in combination with some other biometric information. Instead, Sawyer discusses a token or smart card used with or without biometric confirmation. Accordingly, it is respectfully submitted that the rejections of **claims 8 and 26** are based on clear errors, and **claims 8 and 26** are not anticipated by Sawyer.

With apparent reference to **claims 9 and 27**, the Office Action asserts that the Abstract supports the assertion that Sawyer discloses wherein using information in the spoken name in combination with the biometric information to access the identity database comprises converting the one or more spoken words into one or more text words and using the one or more text words and the biometric information as one or more keys or indexes into the identification database to access an identity database record of the calling party.

In this regard, it is noted that **claim 27** is being amended to correct antecedence to recite --spoken words-- instead of "spoken name." It is respectfully

submitted that this amendment should not require a new search.

It is respectfully submitted that the Abstract does not disclose using a spoken word or name in combination with biometric information. Moreover, the Abstract does not disclose or suggest converting one or more spoken words into one or more text words and using the one or more text words and the biometric information as one or more keys or indexes into an identification database. Clarification of this assertion is respectfully requested. Further in this regard, it is respectfully submitted that the rejection of **claims 9 and 27** are based on clear errors, since the Abstract does not disclose the subject matter for which it is relied and **claims 9 and 27** are not anticipated by Sawyer.

Claims 1-27 were rejected under 35 U.S.C. 102(b) as being unpatentable in view of Gutzmann.

In explaining the rejections of **claims 1, 2, 7, 19, 20 and 25**, the Office Action points vaguely to FIGS. 1-4, the Abstract, a telephone number and reference numerals 27 and 44 in support of the assertion that Gutzmann discloses subject matter of **claim 1**. However, it is respectfully submitted that a telephone number in and of itself is not fairly interpreted as an origination message, for which it was cited.

Additionally, the office database identified by reference numeral 27 is not fairly construed as disclosure of an identity database record. Instead, as explained at column 3, lines 25-31, the "office database" referenced by numeral 27 is used by a call processor 28 to identify the characteristics of the calling party customer premises equipment including directory number, dial, pulse or touchtone signaling, etc. Gutzmann **does not** disclose using biometric information to access an identity database record in office database 27. Furthermore, it is respectfully submitted that Gutzmann does not disclose using biometric information to access an identity database record, as recited in **claim 1**.

Reference numeral 44 identifies a subscriber database record. As explained at column 3, line 66 - column 4, line 6, the subscriber database holds subscriber records corresponding to called parties who subscribe to the calling party identification service. Referring to FIG. 3, a representative subscriber database record is shown generally at 44 and includes a called number field 46, a subscriber message field 48 including a prerecorded message associated with the subscriber and an index field 50. Accordingly, reference numeral 44 does not support the assertion that Gutzmann discloses retrieving identity information regarding the

calling party from the identity database record, as recited in **claim 1**. This argument is made *a fortiori* if, as implied by the Office Action, the identity database record is taken to be somehow related to the office database 27, which is unrelated to the subscriber database 42 of which the cited subscriber database record 44 is a member.

Furthermore, it is noted that the Office Action does not even assert, or identify support for an assertion, that Gutzmann discloses transmitting an MSC_Network Origination message including the identity information retrieved from the identity database record as recited in **claim 1** or a means therefore as recited in **claim 19** of the present application.

Accordingly, it is respectfully submitted that the rejection of **claims 1** and **19** is based on clear errors, and **claims 1** and **19**, as well as **claims 2-9** and **20-26**, which depend respectively therefrom, are not anticipated by Gutzmann.

With regard to **claims 2** and **20**, the Office Action does not even assert or provide a citation to support an assertion that Gutzmann discloses receiving an origination message including the biometric information, thereby receiving the biometric information or means therefor. Therefore, the Office has not met its burden for presenting a *prima facie* case of anticipation. Furthermore, it is respectfully submitted that Gutzmann does not disclose an origination message including biometric information, receiving such a message or means for receiving such a message.

For at least the foregoing additional reasons, the rejection of **claims 2** and **20** is based on clear errors, and **claims 2** and **20** are not anticipated by Gutzmann.

With regard to **claims 4, 5, 12-16, 22** and **23**, the Office Action relies on column 2, lines 1-5, to support the assertion that Gutzmann discloses the method of **claim 1** wherein receiving biometric information regarding the calling party comprises receiving retinal scan data or facial recognition data.

However, the cited portion of column 2 indicates that the method of Gutzmann involves detecting an intrinsic property of the calling party, authenticating the identity of the calling party based on the intrinsic property and providing a signal to the called party in response to authentication of the calling party's identity. Such intrinsic properties may include, but are not limited to, voice profile, image, fingerprints and DNA.

It is noted that the cited portion **does not** mention retinal scan data or facial

recognition data. Accordingly, the assertion of the Office Action is based on **clear error**, and **claims 4, 5, 12-16, 22 and 23** are not anticipated by Gutzmann.

Furthermore, with regard to **claims 12-16**, the rejection clearly represents an improper omnibus rejection that overlooks the recitation in **claims 12-16**.

For example, **claim 12** recites a piece of communications equipment adapted to collect retinal scan information and transmit retinal scan information to the switching center. It is respectfully submitted that the Office does not assert or cite a portion of Gutzmann in support of an assertion that Gutzmann discloses the subject matter of **claim 12**. Accordingly, the rejection of **claim 12** is based on **clear error** and **claim 12** is not anticipated by Gutzmann.

Claim 13 recites wherein the piece of communications equipment is adapted to collect retinal scan information from a user of the piece of communications equipment each time a call is to be placed and to transmit the retinal scan information as part of a Mobile Origination message.

The Office Action does not assert or cite a portion of Gutzmann in support of an assertion that Gutzmann discloses a piece of communications equipment that is adapted to collect retinal scan information from a user of the piece of communications equipment each time a call is to be placed and to transmit the retinal scan information as part of a Mobile Origination message. Additionally, it is respectfully submitted that Gutzmann does not disclose such a piece of communications equipment. Accordingly, the Office Action has not met its burden of presenting a *prima facie* case of anticipation and includes **clear errors** of fact, and it is respectfully submitted that **claim 13** is not anticipated by Gutzmann.

Claim 14 recites the piece of communications equipment is adapted to collect the retinal scan information from a user of the piece of communications equipment upon receiving a request for retinal scan information from the switching center. It is respectfully submitted that the Office Action does not assert or cite a portion of Gutzmann in support of an assertion that Gutzmann discloses the subject matter of **claim 14**. Additionally, it is respectfully submitted that Gutzmann does not disclose a piece of communications equipment that is adapted to collect retinal scan information from a user of the piece of communications equipment upon receiving a request for retinal scan information from a switching center. Therefore, the rejection of **claim 14** is based on **clear error**, and **claim 14** is not anticipated by Gutzmann.

Claims 15 and 16 recite subject matter similar to **claims 13 and 14**, except

that they refer to facial image information instead of retinal scan information. Accordingly, arguments similar to those submitted in support of **claims 13 and 14** are submitted in support of **claims 15 and 16**, respectively. Gutzmann does not disclose including facial image information as part of a mobile origination message. Furthermore, Gutzmann does not disclose a piece of communications equipment adapted to collect facial image information from a user of a piece of communications equipment upon receiving a request for facial image information from a switching center.

With regard to **claims 6 and 24**, the Office Action points vaguely to FIGS. 1-4 and, in particular, FIGS. 2A and 2B. However, it is respectfully submitted that nothing in FIGS. 1-4 and, in particular, FIGS. 2A and 2B discloses extracting identifying parameters from biometric information and using the extracted identifying parameters as a key or index into an identification database to access an identity database record of the calling party. Clarification is respectfully requested. Which part of FIGS. 2A and 2B is it that the Office alleges discloses extracting identifying parameters and using the extracted identifying parameters as a key or index?

For at least the foregoing additional reasons, the rejections of **claims 6 and 24** are based on clear errors, and **claims 6 and 24** are not anticipated by Gutzmann.

Regarding **claim 10**, the Office Action draws an analogy between the office database 27 of Gutzmann and the identity database recited in **claim 10** and asserts that column 2, lines 1-5, support the assertion that that database is accessible at least in part through the use of biometric data, the identity database including identifying records in association with respective biometric data.

However, while the cited portion of column 2 indicates that the method of Gutzmann involves authenticating the identity of a calling party based on an intrinsic property, the cited portion of column 2 does not indicate that records of the office database 27, or any other database, are accessible, even in part, through the use of biometric data.

Furthermore, nothing in FIGS. 3 and 4, which depict a subscriber database record and a calling party database record, disclose the generation and transmission of an MSC_Network Origination message that includes identity information, as is recited in **claim 10**. Accordingly, the rejection of **claim 10** is based on clear errors of fact, and **claim 10**, as well as **claims 11-18**, which depend therefrom, is not

anticipated by Gutzmann.

Regarding **claims 17 and 18**, the Office Action refers to reference numeral 246. However, Gutzmann does not include a reference numeral 246. Furthermore, nothing in FIGS. 2A and 2B, which were cited by the Office Action, disclose that a switching center is operative to receive raw biometric data and to parameterize the raw biometric data for uses as a key or an index into an identity database. Clarification is respectfully requested. Furthermore, in an apparent reference to parameterizing the raw biometric data for use as a key or an index into the identity database, the Office Action refers to FIG. 3. However, FIG. 3 is a representative subscriber database record (column 2, line 59). The subscriber database holds subscriber records corresponding to the called parties who subscribe to the calling party identification service. Accordingly, FIG. 3 does not disclose or suggest a switching center that is operative to receive raw biometric data and to parameterize the raw biometric data for use as a key or an index into the identity database. The identity of the called party is not at issue.

With regard to the subject matter of **claim 18**, the Office Action cites column 4, lines 17-39. However, the cited portion does not even discuss receiving biometric data let alone a switching center operative to receive parameterized biometric data from a piece of user equipment and using the parameterized biometric data as a key or index into an identity database.

For at least the foregoing additional reasons, the rejections of **claims 17 and 18** are based on clear errors of fact, the Office has not met its burden of presenting a *prima facie* case of anticipation. It is respectfully submitted that **claims 17 and 18** are not anticipated by Gutzmann.

Regarding **claims 8, 9, 26 and 27**, the Office Action refers to FIGS. 2A and 2B; a voice print; column 2, lines 1-5; the office database 27; column 1, lines 49-67; column 2, lines 1-48; and column 4, lines 17-39. However, it is submitted that Gutzmann does not disclose using biometric information to access a database. Moreover, Gutzmann does not disclose using biometric information to access the office database 27. Clarification is respectfully requested.

Furthermore, even if Gutzmann discusses a voice print, Gutzmann does not disclose or suggest using a voice print in combination with other biometric information. It is respectfully submitted that the speculation in column 2, lines 1-5, that in intrinsic properties may include a voice profile, an image, fingerprints and

DNA does not disclose or suggest receiving one or more spoken words and using information in the one or more spoken words in combination with biometric information, or means therefor, as recited in **claims 8 and 26**, respectively. Moreover, column 2, lines 1-5, do not disclose receiving one or more spoken words and using information in the one or more spoken words in combination with biometric information to access a database, including the office database cited by the Office Action.

Furthermore, nothing in the vague citation to column 1, line 49 - column 2, line 58, and column 4, lines 17-39, discloses the subject matter of **claims 9 and 27**. Clarification and specific identification of alleged disclosure of converting one or more spoken words into one or more text words and using the one or more text words and the biometric information as one or more keys or indexes into an identification database to access an identity database record of a calling party is respectfully requested.

For at least the foregoing additional reasons, the rejections of **claims 8, 9, 26 and 27** are based on clear errors of fact, and **claims 8, 9, 26 and 27** are not anticipated by Gutzmann.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.


CONCLUSION

Claims 1-27 remain in the application. **Claim 27** has been amended to correct antecedence. This amendment should not require a new search. For at least the foregoing reasons, the claims are in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY SHARPE LLP

November 6, 2007
Date

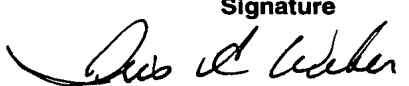


Joseph D. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date <u>November 6, 2007</u>	Printed Name <u>IRIS E. WEBER</u>

N:\LUTZ\200245\IEW0006642V001.docx